

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA

(Full name of Plaintiff/Petitioner and prisoner number, if any)

Plaintiff/Petitioner,
NATHANIEL KIBBY # 3019567
vs.

Jim Salmons - Warden Montana State Prison

(Full name of each Defendant/Respondent.
Do not use et al.)

Defendants.

**MOTION TO PROCEED
IN FORMA PAUPERIS**

1. My name is NATHANIEL KIBBY. In this action, I am (check one):
a petitioner / plaintiff ☒
a defendant ☐
other (explain) ☐
2. In support of my request to proceed without prepayment of fees or costs under 28 U.S.C. § 1915, I declare I am unable to pay the costs of these proceedings and am entitled to relief in the action to which I am or will be a party. In support of this application, I answer the following questions under penalty of perjury.
3. Are you currently employed? Yes ☐ No ☒
A. If Yes, state the amount of your take-home salary or wages, your pay period, and the name and address of your employer:

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B. If No, state the date of your last employment, the amount of your take-home salary or wages, your pay period, and the name and address of your last employer: ~~4/14~~ - April 2014, \$350 weekly,

Emm Precision 619 East Conway Rd Center Conway NH 03813

4. Are you married? Yes ☐ No ☒

A. If Yes, is your spouse employed? Yes ☐ No ☐

B. If Yes, how much does your spouse earn per month? N/A

5. If you are a minor under age 21, what is your parents or guardian's approximate monthly income? N/A

6. In the past twelve months, have you received any money from any of the following sources?

A. Business, profession, or other self-employment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
B. Rent payments, interest, or dividends	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
C. Pensions, annuities, or life insurance payments	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
D. Disability or workers compensation payments	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
E. Social Security or retirement benefits	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
F. Family or friends	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
G. Gifts or inheritances	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
H. Any other sources (specify) <u>Refunds</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If the answer to any of the above is Yes, describe each source of money, state the amount received, the frequency with which you receive it, and what you expect you will continue to receive: Refunds for Mailorder Purchases, infrequent, approx less than \$40 ish

7. Do you have any cash or checking or savings accounts? Yes ☒ No ☐
If Yes, state the total value of all three: \$1.13 Bank Savings, \$8.61 Inmate Account. (\$9.74 Total)

8. Do you own any automobiles, real estate, stocks, bonds, securities, trust, jewelry, art work, other financial instruments, or things of value, including any item of value held in someone else's name? Yes ☒ No ☐

If Yes, describe the property and state its approximate value: Prison Personal Property (clothing, Books, Hygiene items, etc) - Less than \$500.

9. Describe and provide the amount of any housing, transportation, utilities, loan payments, or other regular monthly expenses you may have. ~~0~~
10. Name all persons dependent on you for support. State your relationship to each person and indicate how much you contribute to their support. If any of these individuals are under the age of 18, identify them by using their first and last initials only. ~~0~~
11. Describe any debts or financial obligations you have, providing the amounts owed and to whom they are payable. ~~0~~

12. **TO BE COMPLETED BY PRISONERS ONLY**

NOTE: Prisoners are required to submit an official copy of their inmate trust account statement for the previous six months in support of this Application.

You should include your account statement with this Application.

(Last 6 months of Inmate Account Statements Provided w/ this Application)

A. State the place of your incarceration: Montana State Prison, 700 Conley Lake Rd. Deer Lodge MT 59722

B. If you have not been incarcerated at your current institution for the past six months, list all institutions in which you have been incarcerated in the past six months. State when you entered and when you left each institution. N/A

C. If you have not been incarcerated for the past six months, state the last date on which you were not incarcerated, and list any institutions at which you were incarcerated before your current one: N/A

D. Have you begun any other lawsuit while incarcerated or detained in any facility? Yes ☐ No ☒ (If No, go to Question 13)

- E. For each prior lawsuit you have filed, provide the following information. Attach additional sheets as necessary.
- i. The court(s) where each lawsuit was filed. (For federal courts, identify the District; for state courts, identify the county. Do not include lawsuits filed in the U.S. District Court for the District of Montana);
 - ii. The parties to the previous lawsuit(s); *N/A*
 - iii. The docket number(s) for each prior lawsuit; *N/A*
 - iv. The date(s) on which each lawsuit was filed; *N/A*
 - v. How and when each lawsuit was resolved (For example, was the case dismissed? Was it settled? Was it appealed? By whom, plaintiff or defendant? Is the case still pending?); *N/A*
 - vi. Whether the prior lawsuit was based upon the same or similar facts asserted in this lawsuit; and *N/A*
 - vii. Whether any prior lawsuits were dismissed as frivolous, malicious, or for failure to state a claim, and if so which ones. *N/A*
- F. If you filed any appeal in any federal court of appeals, name the court(s) and give the case number(s) and the disposition. *N/A*

13. **Applicant's Declaration**

- A. I understand I must keep the Court informed of my current mailing address and my failure to do so may result in denial of this Application without actual notice to me.
- B. I understand the Federal Rules of Civil Procedure prohibit litigants in non-habeas proceedings from using certain information in documents submitted to the Court.

In order to comply with these rules, I understand that:

- social security numbers, taxpayer identification numbers, and financial account numbers must include only the last four digits (e.g. xxx-xx-5271, xx-xxx5271, xxxxxxxx3567);
- birth dates must include the year of birth only (e.g. xx/xx/2001); and
- names of persons under the age of 18 must include initials only (e.g. L.K.).

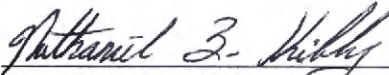
If my documents (including exhibits) contain any of the above listed information, I understand it is my responsibility to black that information out before sending those documents to the Court. I understand that if I am a habeas litigant I may, but am not required to, follow these rules.

I understand I am responsible for protecting the privacy of this information in a non-habeas case.

- C. (Prisoners Only): I understand that if I am granted permission to proceed in forma pauperis I still must pay the full filing fee and the Court will collect, when funds exist, a partial filing fee and/or monthly payments of 20% of the preceding month's income credited to my prison/jail account as set forth in 28 U.S.C. § 1915(b).

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- D. (Prisoners Only): I understand I may not proceed in forma pauperis if I have filed three lawsuits and/or appeals that were dismissed on grounds the action and/or appeal was frivolous or malicious, or failed to state a claim upon which relief may be granted, unless I am in imminent danger of serious physical injury. 28 U.S.C. § 1915(g).
- E. I am the Plaintiff/Petitioner in this case and understand the submission of a false statement or answer to any question in this Motion may subject me to penalties for perjury. I, the Plaintiff/Petitioner, declare under penalty of perjury that I have read the above Motion and the information I have set forth within it is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.



Signature of Plaintiff/Petitioner

Special Note: Pro Se litigants proceeding in forma pauperis are not exempt from other fees and costs associated with prosecuting their actions, including but not limited to copying and witness fees. It is important to realize that even if you are permitted to proceed in forma pauperis, neither the Court nor the Clerk's office can make copies for you free of charge. Copies of documents in your file cannot be provided to you by the Clerk's Office without a charge of \$0.10 per page (for documents electronically available) or \$0.50 (for documents not electronically available) which must be pre-paid at the time you make your request. Therefore, you should always keep a copy, for your own records, of all documents you send to the Court or to the Clerk's Office.